

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Walker, D. H. <i>et al.</i>	§	ART UNIT:
	§	1645
FILED: May 1, 2001	§	
	§	EXAMINER:
SERIAL NO.: 09/846,808	§	Baskar, P.
	§	
FOR: <i>Ehrlichia chaffeensis</i> 28 kDa	§	DOCKET:
Outer Membrane Protein	§	D6311
Multigene Family	§	

The Assistant Commissioner of Patents and Trademarks
BOX NON-FEE AMENDMENT
Washington, DC 20231

RECEIVED

OCT 09 2002

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

Responsive to the Restriction Requirement mailed September 9, 2002 in the above-referenced patent application, Applicants elect Group I, claims 1-8, drawn to DNA, a vector and a host cell, with traverse. Applicants further elect SEQ ID No. 1, with traverse.

As to the election of species requirement, Applicants respectfully argue that the protein species in Group I are integrally related. The SEQ ID Nos. 1-13 and 20-21 represent the products of p28 genes within a single multigene locus in the *E. chaffeensis*

genome. Besides being related by significant sequence identity, the genes in the p28 locus also function together in *E. chaffeensis* for a single purpose, to escape the host's immune response. The expression of genes is varied within the locus, in turn to vary presentation of P28 surface antigens. The protein sequences recited are therefore an integral part of a unified concept in the Applicant's invention, the characterization of a single multigene locus that controls the mechanism *E. chaffeensis* has evolved to circumvent the host immune system.

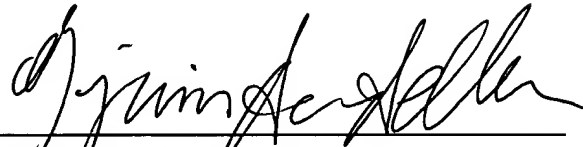
Accordingly, Applicants argue that a search of the relevant prior art would not unduly burden the examiner, as a search of any single species recited in Group I would necessarily reveal any relevant prior art related to the remaining species. Accordingly, Applicants respectfully request that the election of species requirement under 35 U.S.C. §121 be withdrawn.

This is intended to be a complete response to the Office
Action mailed September 9, 2002. Should any fees be due, please
debit Deposit Account 07-1185.

Respectfully submitted,

Date:

Oct 1, 2002

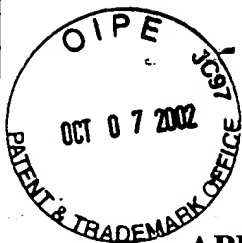


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ART UNIT:
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FOR: *Ehrlichia chaffeensis* 28 kDa Outer
Membrane Protein Multigene Family

DOCKET:
6311

The Honorable Commissioner of Patents
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Washington, DC 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

Dear Sir:

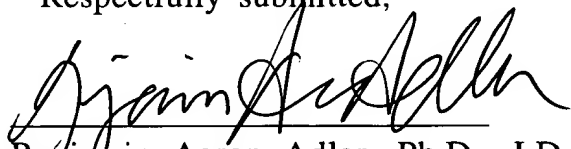
I hereby certify under 37 CFR 1.8 that the following correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to Honorable Commissioner for Patents, Box Non-Fee Amendment, Washington DC 20231.

- (1) Response to Restriction Requirement;
- (2) Return Postcard.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

Date: Oct 1, 2002
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